

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
U.S. Coast Guard  
Sector New York

212 Coast Guard Drive  
Staten Island, NY 10305  
Staff Symbol: SCC  
Phone: (718) 354-4353  
FAX: (718) 354-4125  
[SCCNewYork@uscg.mil](mailto:SCCNewYork@uscg.mil)

16600  
January 29, 2020

Master, RHEA I. BOUCHARD w/ B No 284

Attn: Bouchard Transportation  
58 South Service Road Suite 150  
Melville, NY 11747  
Tel: (631) 390-4900

**SAFETY CAPTAIN OF THE PORT ORDER 007-20: RHEA I. BOUCHARD/ O.N. 649048 / B NO 284/ O.N. 1216341 / US**

Sector New York marine inspectors attended all Bouchard owned and operated vessels anchored within the Port of New York and New Jersey COTP Zone on January 29, 2020. While our marine inspectors were on board these vessels, crews' relayed critical operational conditions such as low fuel and lube oil levels, potential stability concerns, and unauthorized vessel to vessel fuel transfers. Operating between anchorages with low fuel/oil reserves and no contingency plan to adjust for significant weather changes poses a hazard to the port. In addition, this office has received multiple reports of Bouchard crew members not receiving compensation for earned wages which has resulted in notifications of crewmembers threatening to walk off Bouchard vessels.

Due to the uncertainty of the situation described above, I have determined the vessel conditions and current operational practices pose a hazard to the Port of New York and New Jersey.

Therefore, under the authority of the Ports and Waterways Safety Act, 46 U.S.C. 70004 *et seq.*, and the regulations issued thereunder in 33 CFR § 160.111(c), I hereby require the following actions concerning the subject vessels:

- 1) All Bouchard owned and/or managed Towing Vessels and Tank Barges at anchorage in this port are required to submit a plan within 24hrs for storage at a safe berth or a plan to restore vessels to a safe operational status within the port. Plans shall be submitted and approved by the Vessel Traffic Service (VTS) New York. Failure to do so may result in additional COTP restrictions within the Port of New York and New Jersey.
- 2) Prior to movement to a safe berth, no towing vessel will be left at anchorage without a full complement of crew. No barge will be left unattended without an assist tug at anchorage.
- 3) All fuel transfers must be completed in accordance with 33 CFR 156.120, unless otherwise approved by the COTP.
- 4) Willful abandonment of your vessels could result in suspension and revocation action and/or civil penalties.

All reports may be sent as facsimile (718) 354-4125 or email [sccnewyork@uscg.mil](mailto:sccnewyork@uscg.mil).

This order will remain in effect until rescinded by the COTP when all requirements have been satisfied.

**EXHIBIT**

**C**

16600  
January 29, 2020

This order is issued under the authority of the Ports and Waterways Safety Act (46 USC 70004 *et. seq.*) and the regulations promulgated there under 33 CFR § 160. In accordance with 46 USC 70036, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$94,219 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony, punishable by up to six years in prison (18 USC 3581) or fines of no more than \$250,000 for an individual or \$500,000 for an organization (18 USC 3571).

Should you be aggrieved by this order, you may request reconsideration of this order to me directly. If I do not rescind this order based on your request, you may appeal my decision to the Commander, First Coast Guard District. While any request or appeal is pending, all provisions of this order remain in effect. All reconsideration requests or appeals must follow the procedures prescribed in 33 CFR § 160.7.

If you have questions, or if conditions change, please contact the Sector Command Center at (718) 354-4353.

Sincerely,



R. C. SANSONE  
Commander, U.S. Coast Guard  
Acting Captain of the Port New  
York and New Jersey